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FAX TRANSMISSION**DATE:** October 4, 2006**PTO IDENTIFIER:** Application Number 10/716,359-Conf. #8870
Patent Number**Inventor:** Annie Yang et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** FOLEY HOAG LLP

Charlene A. Stern-Dombal, Ph.D.

PHONE: (617) 832-1738**Attorney Dkt. #:** HMY-038.04**PAGES (Including Cover Sheet):** 4**CONTENTS:** Notification of Loss of Small Entity Status (2 page)
Certificate of Transmission (1 page)

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PTO/SB/ST (09-04)

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Application No. (if known): 10/716,359

Attorney Docket No.: HMV-038.04

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Notification of Loss of Small Entity Status (2 page)

OCT 04 2006

Docket No.: HMV-038.04
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Annie Yang *et al.*

Application No.: 10/716,359

Confirmation No.: 8870

Filed: November 18, 2003

Art Unit: 1643

For: CELL REGULATORY GENES, ENCODED
PRODUCTS AND USES RELATED THERETO

Examiner: Sang, Hong

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUSCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.27(g)(2), the undersigned hereby notifies the Patent and Trademark Office that small entity status is not appropriate at this time for fee payments made in connection with the above-identified patent application, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

This application was originally filed as a large entity on November 18, 2003. On January 28, 2004, Applicants filed a "Request for Refund of Excess Filing Fee" and requested a refund of \$935.00 for filing fees in excess of small entity fees. It came to Applicant's attention that small entity status was incorrect and Applicants then filed a "Payment of Deficiency in Fees under 37 C.F.R. § 1.28(c)" on April 2, 2004, and enclosed a check in the amount of \$935.00. On April 7, 2004, the U.S. Patent and Trademark Office incorrectly sent Applicants a refund of \$935.00. As of this date, Applicants believe that the amount of \$935.00 is still owed to the U.S. Patent and Trademark Office.

Application No.: 10/716,359

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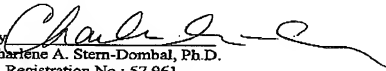
OCT 04 2006

Docket No.: HMV-038.04

Accordingly, the Commissioner is hereby authorized to charge the amount of \$935.00 or any other deficiency to our **Deposit Account, No. 06-1448, Reference HMV-038.04.**

Dated: October 4, 2006

Respectfully submitted,

By 
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